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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 FRANCISCO GONZALEZ,  
12 Petitioner,  
13 v.  
14 UNITED STATES OF AMERICA,  
15 Respondent.  
16

Case No.: 14-CR-1445-L-1

**ORDER DENYING MOTION FOR  
MODIFICATION OF TERM OF  
IMPRISONMENT PURSUANT TO  
18 U.S.C. § 3582(C)(2) [ECF NO 43.]**

17 Petitioner Francisco Gonzalez (“Petitioner”), proceeding *pro se*, filed a motion for  
18 relief of sentence pursuant to 18 U.S.C. § 3582(c)(2) requesting a reduction in the term of  
19 his custodial sentence. [ECF NO 43.] Petitioner pled guilty to one count of possession  
20 with intent to distribute methamphetamine in violation of 18 U.S.C. §§ 841(a)(1)  
21 contained in a Superceding Indictment. On April 14, 2015, this Court sentenced  
22 Petitioner to 120 months in the custody of the Bureau of Prisons, with a 5 year term of  
23 supervised release to follow.

24 Under Section 3582(c)(2), a Court may modify a defendant’s term of  
25 imprisonment where the originally applied sentencing range has subsequently been  
26 lowered by the Sentencing Commission. 18 U.S.C. §3582(c)(2). Petitioner’s motion is  
27 based upon Amendment 782 of the Sentencing Guidelines which reduces the base offense  
28 level for some drug trafficking offenses listed in the Drug Quantity Tables at U.S.S.G.

1 §§2D1.1(c) and 2D1.11 of the Sentencing Guidelines, including the offense to which  
2 Petitioner pled guilty. *See* Amendment 782, Supplement to Appendix C, Amendments to  
3 the Guidelines Manual.

4 Amendment 782 became effective November 1, 2014 and consequently, the  
5 Guidelines applied to Petitioner's April 2015 sentence incorporated Amendment 782, as  
6 indicated in the probation department's pre-sentence report, the sentencing summary  
7 charts provided by both the government and Petitioner, and the Court's ultimate sentence.  
8 Therefore, Petitioner is ineligible for relief because he has received the benefit of the  
9 Amended Guidelines and no further reduction in his sentence is warranted under 18  
10 U.S.C. §3582(c)(2). U.S.S.G. § 1B1.10(a)(2)(B). Accordingly, the Court **DENIES**  
11 Petitioner's motion.

12 **IT IS SO ORDERED.**

13  
14 Dated: May 1, 2017

15   
16 Hon. M. James Lorenz  
17 United States District Judge  
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19 COPIES TO:

20 PETITIONER

21 U.S. ATTORNEY'S OFFICE  
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